



Havering

LONDON BOROUGH

PLACE OVERVIEW & SCRUTINY SUB-COMMITTEE AGENDA

7.00 pm

Wednesday
28 August 2024

Appointment Centre
Room 10 & 11, Town
Hall, Romford

Members 12: Quorum 5

COUNCILLORS:

**Conservative Group
(3)**

David Taylor (Chairman)
Ray Best
Osman Dervish

**Labour Group
(1)**

Matthew Stanton

**Havering Residents' Group
(4)**

Philippa Crowder
Laurance Garrard
Robby Misir
John Wood

**East Havering Residents Group
(1)**

Darren Wise

**For information about the meeting please contact:
Taiwo Adeoye - 01708 433079
taiwo.adeoye@onesource.co.uk**

Under the Committee Procedure Rules within the Council's Constitution the Chairman of the meeting may exercise the powers conferred upon the Mayor in relation to the conduct of full Council meetings. As such, should any member of the public interrupt proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room and may adjourn the meeting while this takes place.

Excessive noise and talking should also be kept to a minimum whilst the meeting is in progress in order that the scheduled business may proceed as planned.

Protocol for members of the public wishing to report on meetings of the London Borough of Havering

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means: -

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

What is Overview & Scrutiny?

Each local authority is required by law to establish an overview and scrutiny function to support and scrutinise the Council's executive arrangements. Each overview and scrutiny sub-committee has its own remit as set out in the terms of reference but they each meet to consider issues of local importance.

The sub-committees have a number of key roles:

1. Providing a critical friend challenge to policy and decision makers.
2. Driving improvement in public services.
3. Holding key local partners to account.
4. Enabling the voice and concerns to the public.

The sub-committees consider issues by receiving information from, and questioning, Cabinet Members, officers and external partners to develop an understanding of proposals, policy and practices. They can then develop recommendations that they believe will improve performance, or as a response to public consultations. These are considered by the Overview and Scrutiny Board and if approved, submitted for a response to Council, Cabinet and other relevant bodies.

Sub-Committees will often establish Topic Groups to examine specific areas in much greater detail. These groups consist of a number of Members and the review period can last for anything from a few weeks to a year or more to allow the Members to comprehensively examine an issue through interviewing expert witnesses, conducting research or undertaking site visits. Once the topic group has finished its work it will send a report to the Sub-Committee that created it and will often suggest recommendations for the Overview and Scrutiny Board to pass to the Council's Executive.

Terms of Reference

The areas scrutinised by the Committee are:

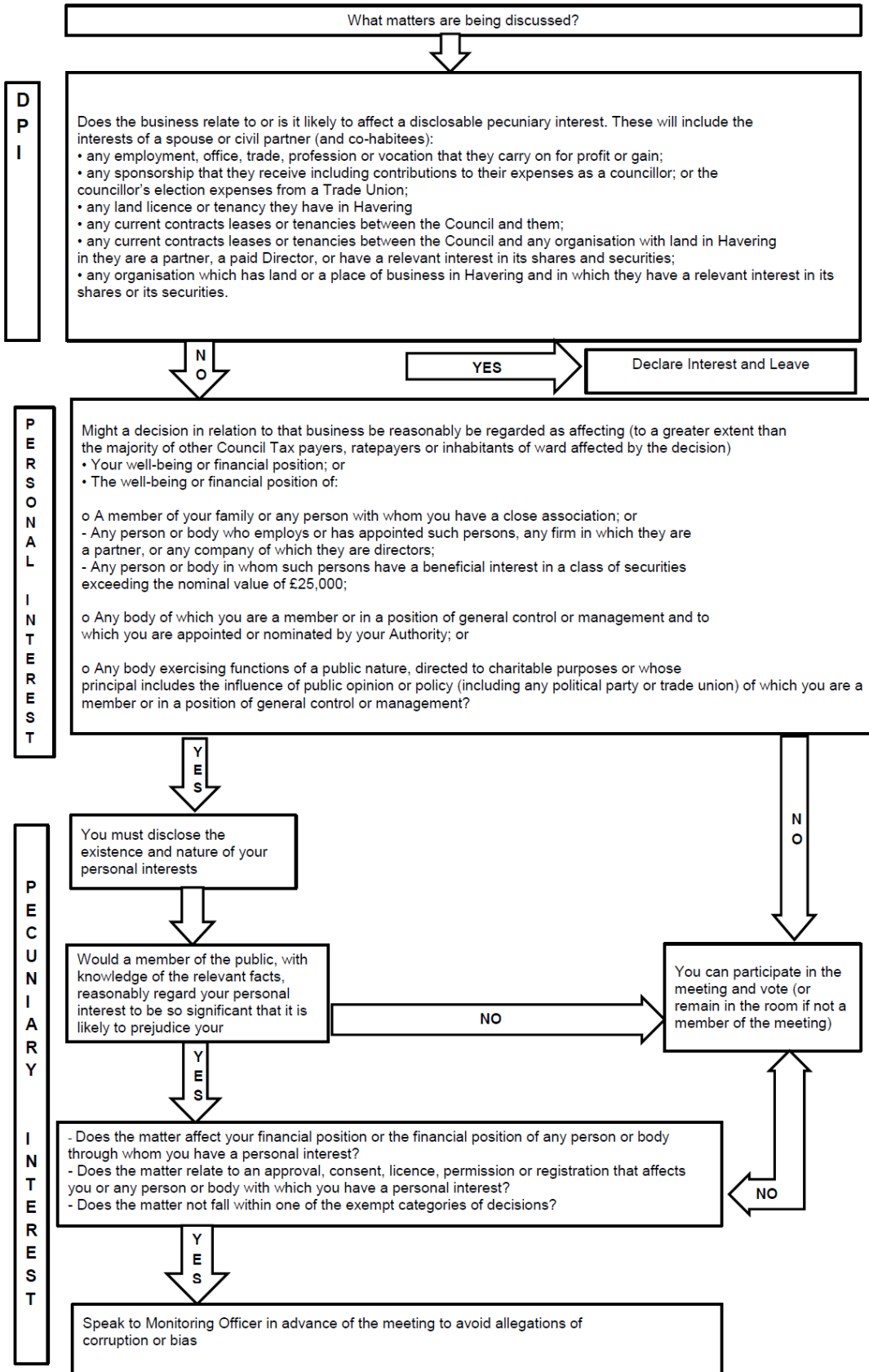
- Housing & Accommodation Services
- Land & Property Services
- Planning
- Building Control
- Business Services
- Inward Investment
- Asset Management
- Property Services
- Facilities Management
- Sports

Place Overview & Scrutiny Sub Committee, 28 August 2024

- Leisure
- Arts
- Music
- Libraries
- Heritage
- Parks & Open Space
- Highways
- Parking & Traffic
- Waste & Recycling
- Climate Change
- Transport & Infrastructure
- Public Protection & Licensing
- Emergency Planning
- Technical Services

Place Overview & Scrutiny Sub Committee, 28 August 2024

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

Receive (if any)

3 DISCLOSURE OF INTERESTS

Members are invited to disclose any interests in any of the items on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

4 MINUTES (Pages 7 - 10)

To approve as a correct record the minutes of the meeting of the Committee held on 16 July 2024 and authorise the Chairman to sign them

5 VERBAL UPDATE - BANK HOLIDAY REFUSE COLLECTION (Pages 11 - 12)

Cover report attached.

6 HOUSING RESIDENT SAFETY AND COMPLIANCE PERFORMANCE UPDATE (Pages 13 - 22)

Report to follow if available

7 WATERLOO AND QUEEN STREET, PHASE, BLOCK 1 AND 2 UPDATE (Pages 23 - 30)

Report attached.

Zena Smith
Head of Committee and
Election Services

**MINUTES OF A MEETING OF THE
PLACE OVERVIEW & SCRUTINY SUB COMMITTEE
Appointment Centre Room 10 & 11, Town Hall, Romford
16 July 2024 (7.00 - 8.00 pm)**

Present:

COUNCILLORS

Conservative Group	David Taylor (Chairman) and Ray Best
Havering Residents' Group	John Wood and Laurance Garrard
Labour Group	Katharine Tumilty (Vice-Chair) and Matthew Stanton
East Havering Residents Group	Darren Wise

Apologies were received for the absence of Councillor Philippa Crowder.

The Chairman reminded Members of the action to be taken in an emergency.

52 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

Apologies were received for the absence of Councillor Philippa Crowder. The Sub-Committee also received apologies from Councillor Graham Williamson who had been invited to the meeting.

53 DISCLOSURE OF INTERESTS

Councillor David Taylor declared a non-pecuniary interest on the item relating to Waterloo Estate as the ward councillor for that estate.

54 MINUTES

The minutes of the sub-committee meeting held on 26 March 2024 were agreed as a correct record and signed by the Chairman.

55 VERBAL UPDATE - BANK HOLIDAY REFUSE COLLECTION

The Sub-Committee agreed to defer the presentation on the bank holiday refuse collection to its next meeting.

56 PROGRAMME OF THE DISPOSAL OF ESTATE ASSETS

The Sub-Committee received a presentation update on Assets Disposal. As a background the sub-committee was informed that the disposal programme intends to generate around £10 million per annum capital receipts as part of the Council's capital strategy. It was stated that last year's disposal programme, the service generated £9.19 million. Members were informed that the planned Asset Disposals in the current financial year 2024/25 programme was forecasted at £9.83 million.

The following sites have been identified:

1. Land at Priory Road
2. Former Century Youth House, Albert Road
3. Keswick Avenue Car park
4. Dorrington Gardens Car park
5. Como Street Car park
6. Angel Way Car park
7. Former Scotts School House
8. Land at Bedale Road/Tiverton Road
9. Land at Gays Field

Members noted that Priory Road was well advanced in the process and the site would set the template for others. Six other sites are in various stages of planning, process and the disposal arrangements following two cabinet decisions. It was stated that each site will be revalued following the granting of planning permission.

Members noted that Priory Road was well advanced in the process and the site would set the template for others. It was stated that sales documentation for disposals to Mercury Land Holdings has been agreed and should be executed this month. Six other sites are in varying stages of the planning process and the disposal arrangements in accordance with Cabinet decisions and subsequent Executive Decision provide for each site to be revalued following the grant of planning permission in order to identify any balancing payment required.

The Assistant Director of Regeneration & Place Shaping, Housing & Property mentioned that there were outstanding land query regarding Angel

Way with a third party, Member were informed that an application has already been made to the Lands Tribunal for resolution if the parties fail to reach a mutually acceptable position.

Additional engagement were planned with local residents regarding development proposals for Como Street Car park.

It was stated that planning application had been submitted prior to disposal. Pre-Application request was submitted and meeting with planning officer was scheduled for later this month.

The sub-committee was informed of the following Medium to Long Term plans:

- That Havering had realised in excess of £200m in capital receipts via asset disposal over the past 25 years
- The Medium Term Financial Strategy (MTFS) requirement was to generate £50m capital receipts over 5 years – recent capitalisation order might introduce an increased expectation of disposal activity to generate capital receipts
- Future receipts pipeline presents challenges in identifying a consistent stream of viable asset disposals
- Area based asset review work has identified some medium-term options but with varying lead-in times

Following the presentation, the Sub-Committee received the following responses to questions raised:

The status of Mercury House – Members were informed that an options paper was being developed for Cabinet at the moment. It was mentioned that the CCTV unit were still based in the building whilst the service was in the process of relocating the CCTV unit to the new CCTV Monitoring Centre in the upper floor of the Library. It was stated that there were other plans towards realigning all the feeds from the CCTV infrastructure into the new centre.

Keswick Avenue Car Park, what alternative provisions have been put in for residents who use it at the moment – Members were informed that there was noted that an impact analysis to support the planning application following a usage surveys of both the standard base and the disabled base in terms of capacity.

Requesting a change to the local plan in order to make assets more attractive to dispose off – It was suggested that the service would not be able to influence the outcome as the council would still be regarded as the land owner.

The Sub-committee noted the presentation.

57 **WATERLOO ESTATE UPDATE**

The Chairman informed the sub-committee that the item relating to Waterloo Estate has been deferred to a future meeting as the report was received late.

Chairman



PLACES OVERVIEW AND SCRUTINY SUB COMMITTEE

Subject Heading:

Cover Report -
Recent Bank Holiday Refuse Collection

SLT Lead:

Report Author and contact details:

Taiwo Adeoye - Committee Officer

Policy context:

Place/Refuse Collection

Financial summary:

As this report is a briefing item to obtain comments and no decisions are sought, there are no direct Financial implications or risks.

The subject matter of this report deals with the following Council Objectives

Communities making Havering	[x]
Places making Havering	[x]
Opportunities making Havering	[x]
Connections making Havering	[x]

SUMMARY

The Sub-Committee is to receive an update presentation on recent Bank Holiday Refuse Collections.

RECOMMENDATIONS

The update is for noting.

REPORT DETAIL

That the Sub-Committee comment and note the briefing.

IMPLICATIONS AND RISKS

Financial implications and risks: None of this covering report.

Legal implications and risks: None of this covering report.

Human Resources implications and risks: None of this covering report.

Equalities implications and risks: None of this covering report.



PLACES OVERVIEW AND SCRUTINY SUB COMMITTEE

Subject Heading:	Housing Resident Safety and Compliance Performance
SLT Lead:	Neil Stubbings Strategic Director of Place
Report Author and contact details:	Ian Saxby Assistant Director of Housing Property Services ian.saxby@havering.gov.uk Samuel Adjei Resident Safety and Compliance Manager Samuel.adjei@havering.gov.uk
Policy context:	For information only The report provide details of our performance against our statutory duty as a landlord in regards to resident safety

SUMMARY

The report is for information only. No decision is required.

This report provides an update to the Places' Overview and Scrutiny Sub-Committee (OSSC) on the current status of LBH Housing Services' resident safety and compliance programs. The report specifically focuses on performance against statutory and regulatory obligations, including those outlined in the Building Safety Act 2022.

As per the Cabinet's directive on 16th February 2022, the OSSC will receive regular updates on Housing compliance performance as part of the internal governance process. This performance is also reviewed monthly by the Compliance Board and the Asset Management Sub-Steering Group.

The report outlines the progress made in key compliance areas such as gas, electrical, lift, water, fire, and asbestos safety, along with the monitoring of fire doors in high-rise buildings. The report also highlights ongoing efforts to complete Electrical Installation Condition Reports (EICRs) and asbestos surveys in hard-to-reach properties, as well as the development of compliance monitoring for Private Sector Housing (PSH).

Overall, the report emphasises the importance of achieving 100% compliance in all key performance indicators and outlines future strategies for maintaining and enhancing resident safety.

RECOMMENDATIONS

Members note the report

REPORT DETAIL

LBH owns and manages approximately 9,400 homes and 2,500 leasehold properties, including around 15 tower blocks and over 1,000 medium- and low-rise blocks.

As a landlord, LBH has a statutory duty to ensure that each of these properties is safe and meets all relevant statutory requirements. This includes regular testing and servicing of equipment, adherence to consumer standards set by the Regulator for Social Housing, and compliance with the Building Safety Act as monitored by the new Building Safety Regulator.

Key Compliance Areas in Resident Safety:

Gas Safety: All gas appliances must undergo an annual inspection, resulting in the issuance of a Landlord Gas Safety Record (LGSR).

Electrical Safety: Social rented properties require an Electrical Installation Condition Report (EICR) every 10 years. However, recent regulatory changes mandate 5-year inspections for private landlords, a practice LBH has adopted for its social rented properties to align with best practices.

Lift Safety: Monthly inspections are conducted along with planned maintenance regimes. An annual certification is provided by our insurer to ensure compliance.

Water Safety: All relevant water systems are checked for legionella risk based on a cyclical, risk-based approach, typically every 2 years. All actions resulting from these inspections must be completed within prescribed timescales.

Fire Safety: Properties must have a valid Fire Risk Assessment (FRA) conducted on a risk-based cycle, typically between 1 to 3 years. All actions arising from the FRA are required to be completed within specified deadlines.

Asbestos Management: Under asbestos regulations, all communal areas must have a valid management-level asbestos survey recorded in the appropriate asbestos register. Additionally, we are conducting a comprehensive survey of all domestic properties to ensure appropriate risk management, though this is not a statutory requirement under current asbestos regulations.

Fire Door Checks: As of June 2023, in compliance with the 2022 Building Safety Act, we have initiated fire door checks for our tall buildings. We also checked buildings where we had communal gas boilers serving individual dwellings. Since 1/6/2024 we have included dwellings in all our buildings exceeding 11 metres after following the guidance of our responsibilities under the Fire Safety (England) Regulations 2022.

Additional Compliance Areas:

In addition to the primary compliance areas, LBH is responsible for ensuring safety in several associated areas, including PAT testing, lightning protection testing, dry riser testing, and fire alarm testing. As we introduce new properties, we will also incorporate areas such as sprinkler systems and communal extract systems into our compliance programs.

Given the critical importance of resident safety, all Key Performance Indicators (KPIs) are set at 100%, as outlined in **Appendix 1**. The figures provided are for July 2024, the most recent data available at the time of this report's submission.

Following a comprehensive program of work, we have successfully completed the majority of our compliance initiatives and have gathered the necessary evidence to substantiate this progress.

However, a small number of Electrical Installation Condition Reports (EICRs) remain outstanding, particularly for properties classified as hard to reach since regular testing commenced in 2019. We continue to explore various strategies to address these challenges. For properties where all conventional methods have been exhausted, we have pursued legal avenues, including obtaining injunctions. We have also seen success in combining EICRs with asbestos surveys and are actively collaborating with the tenancy teams to gain access to the remaining 12 properties. Additionally, ongoing efforts are being made to fully populate our asbestos register for domestic properties.

The Committee will also observe the inclusion of a dedicated section on the compliance status of our Private Sector Housing (PSH) properties—homes rented from private landlords and occupied by our residents.

While LBH is not the legal landlord of these properties (although we may be the freeholder of the blocks in which these homes are located), we nevertheless have a duty of care to our residents. Consequently, we are adopting a more rigorous approach to monitoring landlord compliance and addressing instances where landlords fail to provide the requisite information.

Significant progress has been made in aligning our systems to effectively collect and monitor this data. The figures presented in this report enable the Committee to track the ongoing improvements in our monitoring and reporting practices. While most of the current data reflects direct compliance with the information we have, there is still work to be done to finalize this project in the coming months.

In response to new legislation introduced following the Grenfell Inquiry, specifically the Fire Safety Regulations 2022, we have implemented additional monitoring regimes to ensure compliance. These include quarterly inspections of communal doors and annual checks of flat entrance doors, which are now reported on in this document.

The legislation has also introduced new requirements concerning wayfinding signage, floor plans, lifts, and essential firefighting equipment. We are actively working to meet these mandates.

To facilitate this, we have adopted an advanced tool that enables us to create 3D models of each high-rise building. This tool allows us to identify all relevant equipment, service isolation points, and other critical information. We have successfully populated this tool and have shared the pertinent details with the Building Safety Regulator as part of the building safety cases we have submitted. Additionally, we share relevant information with the London Fire Brigade (LFB) concerning any mandatory occurrence reports. As part of our engagement strategy, we will extend access to relevant sections of this information to residents.

In May 2024, the Building Safety Regulator requested that we provide safety cases for five of our tall buildings. We have successfully submitted all of these cases and are currently awaiting their outcomes.

We are also in the process of developing procurement documents to ensure that all compliance areas are supported by contracts that deliver high performance while accommodating emerging technological advancements. Having completed the main heating contract, our focus will now shift to procuring our lapsed electrical compliance contract.

BACKGROUND PAPERS

Appendix 1 – Housing Compliance Performance Report

IMPLICATIONS AND RISKS

Financial implications and risks: None for this report (information only)

Legal implications and risks: None for this report (information only)

Human Resources implications and risks: None for this report (information only)

Equalities implications and risks: None for this report (information only)

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LONDON BOROUGH OF HAVERING - HOUSING COMPLIANCE

DATE: July 2024



	NUMBER	May	June	July	TREND	TARGET	COMMENTS
FIRE SAFETY COMPLIANCE							
New NODs received		0	0	0	→	0	
Outstanding NOD's		0	0	0	→	0	
PROPERTIES WITH FRA OR RE-ASSESSED FRA		99.89%	100.00%	100.00%	→	100%	
Cumulative total	886	885	886	886			
Dry Riser Testing		100.00%	100.00%	100.00%	→	100%	
	18	18	18	18			
Fire Alarm Testing		100.00%	100.00%	95.45%	↓	100%	
	22	20	20	21			New Green & Park Rise have now been added to the schedule. The fire alarm test for Park Rise was carried on 06/08/2024
Buildings registered with regulator		100.00%	100.00%	100.00%	→		
	15	15	15	15			
Buildings called by regulator & submitted		100.00%	100.00%	100.00%	→		
	5	4	5	5			
Commercial Door Checks (Buildings in Scope or HRBs)		86.67%	86.67%	86.67%	→		
	15	13	13	13			We have 2 new buildings in Park Rise but these are both unoccupied at present. Door checks will commence in these buildings when they are occupied.
Flat entrance front doors checks (Amended to cover all dwellings in buildings exceeding 11m high). Delivery since 1.4.24		24.18%	24.18%	24.18%	→		
General Needs (Delivered by K&T)	1009	244	244	244	→		244 properties have completed door checks & 298 properties have multiple no access (3x). at year end. This is now being covered as part of the K&T contract and will be carried out when LGSR is carried out. The new K&T contract is due to commence at the beginning of August. 467 properties are booked for August. Remaining properties to be completed by the end of the financial year.
Leaseholders and Shared Owners (Delivered by Mears)	380	0	0	0	→		Mears have been instructed to deliver these works. The planned commencement date is the 1st August, with a planned completion date by the end of the financial year. Strategy will be 3 x access attempts and possible injunction where necessary.
Fire Safety Inspections (In scope, sheltered schemes and hostels) Quarterly & Half Yearly		100.00%	100.00%	100.00%	→		
	41	41	41	41			
GAS COMPLIANCE							
Domestic Gas - General Needs		99.94%	99.98%	99.99%	↑	100%	
	8574	8569	8572	8573			The one property that was overdue is due to the resident being in hospital. The insteccion was completed on the 6th August.

Gas Carcassing		100.00%	100.00%	100.00%	➔	100%	
	87	87	87	87			
Communal Gas servicing		100.00%	100.00%	100.00%	➔	100%	
	67	67	67	67			
ELECTRICAL COMPLIANCE							
EICRs domestic		99.87%	99.86%	99.87%	⬆	100%	
	9321	9172	9304	9309			<p>1 Access Injunction has been granted by the Courts (Access still not gained on visits following court date). The resident is bed bound and the Legal team have advised to attempt to complete this with the next gas safety check.</p> <p>1 Possession granted by Courts 1 Seeking Possession 1 Property vacant following fire last year 3 Properties still yet to be reached following multiple no accesses.</p> <p>5 booked</p> <p>12 Overdue in total</p>
EICRs Communal		100.00%	100.00%	100.00%	➔	100%	
	835	835	835	835			
Emergency Lighting testing - monthly		100.00%	100.00%	100.00%	➔	100%	
	822	822	822	822			
Lightning Protection testing		100.00%	100.00%	100.00%	➔	100%	
	49	43	49	49			
PAT Testing		100.00%	100.00%	100.00%	➔	100%	
	35	35	35	35			
LIFT COMPLIANCE							
Monthly maintenance		100.00%	100.00%	100.00%	➔	100%	
	54	54	54	54			Overall number now include lifts at New Green & Park Rise
Annual servicing		100.00%	100.00%	100.00%	➔	100%	
	54	54	54	54			
Bi-Annual insurance certificate		100.00%	100.00%	100.00%	➔	100%	
	54	54	54	54			
LEGIONELLA COMPLIANCE							
Legionella - Risk Assessment		100.00%	100.00%	100.00%	➔	100%	
	1226	1226	1226	1226			This number represents overall blocks managed by LBH. All of which should have a risk assessment on our system, but due to level of risk may not need to be included on our two year review programme.
Legionella - Risk Assessment (Two Year Review Programme)		100.00%	100.00%	100.00%	➔	100%	
	358	358	358	358			
Properties accessed under risk assessment reviews		22.16%	23.01%	23.01%	➔	100%	
	2477	549	570	570			10% access is attempted on every risk assessment to over time build up record of all properties. With at least 10% accessed previously we can use these as archetype data until such time as we can access all properties. This is not a statutory requirement.
Legionella - Routine Monitoring (Monthly)		100.00%	100.00%	100.00%	➔	100%	
	16	16	16	16			

Legionella - Routine Monitoring (Six - Monthly)		100.00%	100.00%	100.00%	➔	100%	
	12	12	12	12			
Overdue actions from L8 reports					➔	100%	
High - to be completed within 3 months	0	0	0	0			
Medium - to be completed within 6 months	0	0	0	0			
Low - to be completed within 12 months	0	0	0	0			
ASBESTOS COMPLIANCE							
Asbestos Surveys - Domestic		95.59%	95.68%	96.02%	⬆	100%	
	8902	8501	8517	8548			This element is progressing, however there are a number of access issues that are being encountered. We will continue to adopt an approach where the asbestos surveys are linked to other appointments in order to improve the access. This is not a statutory requirement.
Asbestos Surveys - Communal		100.00%	100.00%	100.00%	➔	100%	
	1184	1184	1184	1184			
Asbestos Surveys - Garages		100.00%	100.00%	100.00%	➔	100%	
	49	49	49	49			
PSH COMPLIANCE (509 Properties)							
Domestic Gas - PSH		99.80%	99.41%	100.00%	⬆	100%	
	505	504	502	505			
EICRs Domestic – PSH - Third Party Responsible		95.91%	96.89%	96.46%	⬇	100%	
	509	493	498	491			18 Overdue (4 Booked & 6 Void, 3 referred to housing officer as unresponsive) The remaining 5 are due to access issues.
FRA - PSH - Under Havering Management		100.00%	100.00%	100.00%	➔	100%	
	135	135	135	135			
FRA - PSH - Third Party Responsible		0.00%	0.00%	0.00%	➔	100%	
	148	0	0	0			These are being submitted as part of the lease renewals but issues with getting confirmation that issues have been rectified
Lift Compliance - PSH - Under Havering Management		100.00%	100.00%	100.00%	➔	100%	
	9	9	9	9			Number of properties, not number of blocks
Lift Compliance - PSH - Third Party Responsible		100.00%	100.00%	100.00%	➔	100%	
	0	0	0	0			Currently no PSH properties in blocks with lifts
L8 Legionella Reports - PSH - Under Havering Management		100.00%	100.00%	100.00%	➔	100%	
	144	144	144	144			
L8 Legionella Reports - PSH - Third Party Responsible		2.01%	2.68%	4.70%	⬆	0%	
	149	3	4	7			5 actions have been issued to H2O, the LBH contractor to complete and will be recharged to owner. The remainder will be issued when the leases are up for renewal.
Asbestos Surveys - PSH		59.34%	60.31%	60.71%	⬆	100%	
	509	305	310	309			Asbestos Survey reports will be requested once the leases are due for renewal.

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PLACES OVERVIEW AND SCRUTINY SUB-COMMITTEE

This report is part exempt and Appendix A is not available for public inspection as it contains or relates to exempt information within the meaning of paragraph 3 of Schedule 12A to the Local Government Act 1972. It is exempt because it refers to confidential commercial information and the public interest in maintaining the exemption outweighs the public interest in disclosing the information

Subject Heading:	Waterloo and Queen Street, Phase 1, Blocks 1 and 2 Update
SLT Lead:	Neil Stubbings, Strategic Director of Place
Report Author and contact details:	Michael Rourke, Senior Regeneration Manager Michael.Rourke2@havering.gov.uk
Policy context:	Provision of new homes within the borough

SUMMARY

The report sets out the considerations made in the context of a changing environment of Building and Fire Safety in relation to new residential homes.

The content of this report will update the committee on the evolving changes to the Part B (Fire Safety) of the Building Regulations and the implications for the Waterloo and Queens Street regeneration site.

RECOMMENDATIONS

Members of O&S Committee are asked to note the contents of this report.

REPORT DETAIL

1. Background to the Building Safety Act 2022

The Building Safety Act aims to reform the building safety system in England and Wales, responding to lessons from the Grenfell Tower fire and strengthening accountability throughout a building's lifecycle.

- Key Provisions:
 - Creation of a new Building Safety Regulator (BSR) to oversee stricter standards.
 - Enhanced protection for leaseholders and improved access to redress.
 - Encouragement of industry compliance and culture change.
 - Clearer oversight of construction products.
- Legislative Changes:
 - Establishment of the Building Safety Regulator within the Health and Safety Executive.
 - Amendments to the Building Act 1984 to define provisions for higher-risk buildings.
 - Imposition of duties on the Accountable Person for building safety in occupied high-risk residential buildings.
- Other Provisions:
 - Measures for service charges, remediation, and redress.
 - Creation of a New Homes Ombudsman scheme.
 - Powers for regulating construction products.
 - Listing of Architects Registration Board alongside architect entries in the Register of Architects.

2. The Building Safety Regulator

The Health and Safety Executive becomes the Building Safety Regulator, focusing on enhancing building safety and standards while ensuring proportionate and transparent regulation.

- Core Functions:
 - Enforcing stricter regulations for higher-risk buildings, overseeing their lifecycle from design to refurbishment.
 - Monitoring all buildings' safety and performance, advising on standards, and promoting competence in the industry.
- Regulating Higher-Risk Buildings:
 - The Regulator takes charge of regulatory decisions for higher-risk buildings, with the ability to adjust definitions based on research or advice.

- **Mandatory Second Staircases:**
 - The former Secretary of State, Michael Gove, announced the government's intention to mandate second staircases in new residential buildings above 18 metres in height, deviating from the previously consulted 30 metre threshold.

3. National Fire Chief Council's (NFCC) letter of 19th December 2022 to the Secretary of State Department for Levelling Up Communities and Housing

Here are the key points from the NFCC's statement

- The NFCC is urging the Government to require all new high-rise residential buildings over 18 metres (or seven storeys) to have more than one fire escape staircase.
- Currently in England, there is no maximum height requirement for residential buildings with only one staircase.
- The NFCC proposes three changes for high-rise buildings over 18 metres.
- All new buildings must have more than one protected staircase.
- All existing buildings must be retrofitted with sprinklers.
- Lifts in existing buildings should be installed or replaced for use in evacuation.
- The presence of a second staircase removes the risk of a single point of failure during a fire, providing critical time for firefighting activities and offering residents multiple escape routes.
- While evacuation may not always be necessary (as "Stay Put" policies are often safe), data shows instances where residents chose to evacuate, emphasizing the importance of multiple escape routes.
- The NFCC suggests that these recommendations could be reinforced by amending building regulations or key government guidance, such as Approved Document B.
- The professional bodies such as the RIBA and CIOB also supported the 18 metre threshold.

4. Consultation Outcome

- The Consultation document recommended a 30 metre height threshold for new residential buildings to require a second staircase, aligning with increased safety measures.

- On 14th February 2023, the Mayor of London mandated two staircases for residential buildings over 30 metres, pending research findings.
- Many Local Planning Authorities have been referencing a 'national position' to justify amendments requiring second staircases in residential buildings over 30 metres in their Committee Reports.
- The government has not clarified the reason for this shift, but it is suspected to be influenced by a joint letter from various organisations to the Secretary of State, the London Fire Brigade's consultation response, and the 18 metre height threshold already in place in Scotland.
- The 18 metre height threshold equates to approximately 6 residential storeys under current Building Regulations. Any planning proposals exceeding this threshold will likely need to be amended to include a second staircase based on recent indications.
- Developers will have 30 months from 29th March 2024 to incorporate the changes to the Approved Document B, to conform to either the existing guidance or the updated guidance requiring second staircases. After this period, all applications must adhere to the new guidance.
- Approved applications not following the new guidance have 18 months to commence construction; otherwise, they must submit a new application.
- Sufficient progress is defined as the commencement of concrete pouring for foundation placement, as outlined in the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023.

5. The Secretary of State's statement in October 2023

- The transitional arrangements apply to projects with existing planning permission featuring single staircases, which were assessed for safety during the application process, can proceed without further delay if they choose.
- This means that for some time, buildings exceeding 18 metres with single staircases will continue to be introduced to the market.
- It's crucial to clarify that single-staircase buildings, both existing and upcoming, are not inherently unsafe when constructed according to relevant standards, maintained properly, and managed effectively.
- The Secretary of State expects lenders, managing agents, insurers, and other stakeholders to act accordingly, refraining from imposing excessive additional requirements, obstacles, or criteria on single-staircase buildings in lending, pricing, management, or any other aspect.

- Buildings over 18 metres in height are subject to enhanced scrutiny under the new building safety regime.
- Fire safety arrangements in these buildings are thoroughly examined at various checkpoints, including new building control gateways and planning gateway one.
- Transitional arrangements were intended to provide confidence to the market to continue building high-quality homes needed in the country.
- Overall, the statement emphasises the government's commitment to enhancing building safety and ensuring the continuation of high-quality home construction.

6. Considerations for LBH as the freeholder/ responsible person and the landlord

- The recent amendment to Part B of the Building Regulations will necessitate dual staircases in all new residential buildings over 18 metres by September 2026.
- Expected revisions to BS 9991 may require incorporating features like an emergency alert system, vented escape lobbies, sprinklers in all units, and designated safe refuge areas into the new design.
- Later phases of WQS above 18 metres will require a dual staircase approach, and residents' perceptions from Phase 1, if a single staircase is chosen, must be taken into account.
- National Fire Chiefs and the Secretary of State for DLUCH emphasise that incorporating a second staircase improves the LFB's firefighting capabilities.
- The new scheme at Bridge Close, recently submitted for planning approval, has been amended to include a dual stair solution.
- The Councils intention is to deliver the new homes to the latest fire safety standards and incorporate a dual staircase approach.
- The dual staircase approach is to be formally adopted and the Council continue to review the phasing and financial options available.

7. Conclusion

Since the Grenfell tragedy in June 2017, the on-going Grenfell inquiry and the Hackett report, the industry has been awaiting clear guidance on fire safety in residential new buildings.

The National Fire Chiefs letter to the Secretary of State on 19th November 2022 set out the case for a dual staircase approach in all new residential buildings over 18 metres.

Following consultation with the industry and fire safety experts, the Secretary of State issued a statement in October 2023 stating that all new residential buildings over 18 metres must have a dual stair solution. In this statement the Secretary of State also set out the transitional arrangements which would allow a developing authority to proceed with a single stair if (1) the scheme had full planning approval and (2) the scheme had full building control approval.

See Exempt Appendix A for further details.

IMPLICATIONS AND RISKS

Financial implications and risks: This paper is for information only.

Legal implications and risks: This paper is for information only.

Human Resources implications and risks: This paper is for information only.

Equalities implications and risks: This paper is for information only

Environmental and Climate Change Implications and Risks: This paper is for information only

BACKGROUND PAPERS

None

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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